

Notice of Allowability

Application No.

09/719,903

Examiner

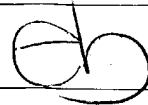
Lynda M Salvatore

Applicant(s)

ETZOLD ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/12/04.
2. ☒ The allowed claim(s) is/are 1,4-6,8,9,11-17 and 19-25.
3. ☒ The drawings filed on 06 May 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION***Response to Amendment***

1. Applicant's After Final amendment has been carefully considered and entered. Claims 2 and 3 have been canceled and claims 1, 12, and 17 have been amended as requested. Applicant's amendments to claims 12 and 17 render moot the rejection under 35 U.S.C. 112 as set forth in section 3 of the last office Action. Specifically, Applicant has amended said rejected claims to provide proper antecedent basis for claimed terminologies. As such, this rejection is withdrawn. Applicant's amendment of claim 1 to incorporate the previously allowed subject matter of claim 3 is found sufficient to overcome the 35 U.S.C. 102(b) rejections of claims 1, 2, 9, 13, and 17 as set forth in section 5 of the last Office Action and the 35 U.S.C. 103(a) rejections of claims 8, 11, 12, 15-16, and 19-24 as set forth in section 7-11 of the last Office Action. Specifically, presently amended claim 1 now recites the limitation of "wherein before the third step, the fibrous web is pre-bonded so that the tensile strength of the pre-bonded fibrous web is 0.1 to 75% of the tensile strength of the bonded fleece (4)". Because the prior art fails to teach or fairly suggest the combination of process limitations recited in claim 1, these rejections are hereby withdrawn. Accordingly, Applicant's amendment to claim 1 is now found sufficient to patentably distinguish independent claims 1 and 5 and dependent claims 4, 6, 8, 9, 11-17 and 19-25 over the prior art for record reasons set forth herein below.

Allowable Subject Matter

2. As previously indicated in the Final Office Action dated 8/12/03, claims 3-6 and 25 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant has canceled claims 2 and 3 and amended claim 1 to include the limitations of previously allowed claim 3. Thus, independent claims 1 and 5 and dependent claims 4,6, 8,9,11-17 and 19-25 are now found allowable over the prior art of record. With regard to claim 1, the combination of prior art of record fails to teach the additional pre-bonding, stiffening and thermo-bonding limitations as presently set forth. With regard to claim 5, the combination of prior art fails to teach the process limitations as those recited in claim 1 as well as the recited limitation of "wherein the fibrous web is directly fed to the bonding unit after the hole structures are created". The prior art only teaches impregnating or drying the fabric after creating the hole structures, but fails to teach bonding the fibrous web in a calendar roller arrangement directly after creating the hole structures to form a fleece. Thus, absent such teachings and motivation to combine references form an obvious type rejection, said claims are allowable over the prior art record.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1482. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0994.

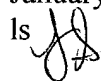
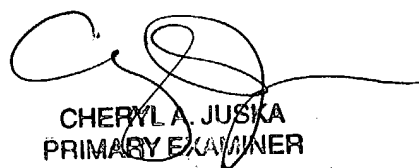
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January 29, 2004

ls

A handwritten signature in black ink, appearing to be 'ls' followed by a stylized flourish.A large, stylized handwritten signature in black ink, likely belonging to Cheryl A. Juska.

CHERYL A. JUSKA
PRIMARY EXAMINER